

REMARKS

Applicant has submitted certified translations of our respective priority documents, Japanese Patent Application Nos. 2004-108193, 2004-108216, and 2004-108226. Each of these Japanese patent applications were filed with a priority date of March 31, 2004.

The Office Action indicated that the subject matter of dependent Claims 4, 5 and 7 were allowable if rewritten in independent form.

The Office Action relied upon *Suzuki et al.* (WO Publication 2005/093743) as a complete anticipation of Claims 1-3, 6 and 8-16 under 35 U.S.C. §102(b). However, *Suzuki et al.* was published on October 6, 2005 and is only a prior art reference under 35 U.S.C. §102(a) or (b) as of that publication date.

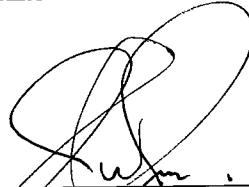
With the filing of our certified priority documents in English, it is believed that the *Suzuki et al.* reference is no longer a proper prior art reference pursuant to MPEP §706.02(f)(1). Attached hereto is a copy of Example 5 from the MPEP section for reference.

In view of our submission of the certified priority documents and their earlier filing date, it is believed that all of the claims of the present application are now in condition for allowance.

If there are any additional questions with regards to this matter, the undersigned attorney can be contacted at the listed telephone number.

Very truly yours,

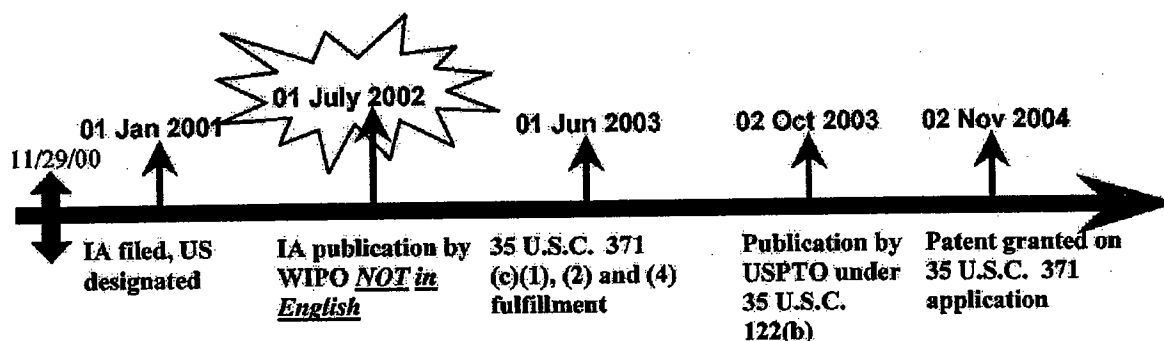
SNELL & WILMER L.L.P.

A handwritten signature in black ink, appearing to read 'J. Price', is written over a horizontal line.

Joseph W. Price
Registration No. 25,124
600 Anton Boulevard, Suite 1400
Costa Mesa, CA 92626
Telephone: (714) 427-7420
Facsimile: (714) 427-7799

Example 5 : References based on the national stage (35 U.S.C. 371) of an International Application filed on or after November 29, 2000 and which was not published in English under PCT Article 21(2) .

All references, whether the WIPO publication, the U.S. patent application publication or the U.S. patent, of an international application (IA) that was filed on or after November 29, 2000 but was not published in English under PCT Article 21(2) have no 35 U.S.C. 102 (e) prior art date at all. According to 35 U.S.C. 102 (e), no benefit of the international filing date (nor any U.S. filing dates prior to the IA) is given for 35 U.S.C. 102 (e) prior art purposes if the IA was published under PCT Article 21(2) in a language other than English, regardless of whether the international application entered the national stage. Such references may be applied under 35 U.S.C. 102 (a) or (b) as of their publication dates, but never under 35 U.S.C. 102 (e).



The 35 U.S.C. 102(e)(1) date for the IA Publication by WIPO is: None.
 The 35 U.S.C. 102(e)(1) date for the Publication by USPTO is: None. The
 35 U.S.C. 102(e)(2) date for the Patent is: None.

The IA publication by WIPO can be applied under 35 U.S.C. 102 (a) or (b) as of its publication date (01 July 2002).

Additional * Benefit Claims :

If the IA properly claimed ** > the benefit of < to any earlier-filed U.S. application (whether provisional or nonprovisional), there would still be no 35 U.S.C. 102 (e) date for all the references.

If a later-filed U.S. nonprovisional (35 U.S.C. 111 (a)) application claimed the benefit of the IA in the example above, the 35 U.S.C. 102 (e) date of the patent or publication of the later-filed U.S. application would be the actual filing date of the later-filed U.S. application.